

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No.: 5:21-cv-00383-D

DEPARTMENT OF TRANSPORTATION)

Plaintiff,)

v.)

CITY OF RALEIGH, and the UNITED)
STATES OF AMERICA, through its)
agency, U.S. ENVIRONMENTAL)
PROTECTION AGENCY.)

Defendants.)

**ORDER
MODIFYING SCHEDULING ORDER**

This matter is before the Court on the parties' joint motion pursuant to Fed. R. Civ. P. 16(b) to modify the Scheduling Order entered by the Court on January 24, 2022 [D.E. 20]. The Court, having reviewed and considered the parties' motion, finds good cause to modify the Court's Scheduling Order, and therefore GRANTS the parties' motion. It is therefore ORDERED that the Scheduling Order is hereby modified as follows:

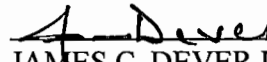
1. All Phase 1 discovery shall be completed by December 5, 2022.
2. All potentially dispositive motions on Phase 1 issues shall be filed on or before January 5, 2023.
3. Unless extended by agreement of Defendant City and Defendant USA, on or before October 5, 2022, Defendant USA shall:
 - a. produce to the Defendant City a privilege log for all redacted documents produced to date;
 - b. respond to Defendant City's First Set of Requests for Admissions; and
 - c. confer with Defendant City on all issues identified by Defendant City in its deficiency notice served on July 11, 2022;
4. During the extended discovery period, Defendant City shall have the right to engage in additional written discovery, including interrogatories, but regardless of service

date, Defendant USA shall have until at least October 5, 2022, to respond, unless otherwise agreed to by the parties.

5. The parties are not allowed to schedule additional depositions as a part of Phase 1 discovery other than those depositions for Kristy Eubanks, Laurice Jones, and the pending Rule 30(b)(6) deposition requested by the City, except on a motion for cause to the Court setting out why the Phase 1 depositions could not have been completed by the current discovery deadline, August 5, 2022.
6. The parties agree that they will work to narrow the Rule 30(b)(6) topics in October in order to schedule a Rule 30(b)(6) deposition;

All other deadlines and provisions in the January 24, 2022 Scheduling Order remain in effect.

SO ORDERED. This 8 day of August, 2022.



JAMES C. DEVER III
United States District Judge